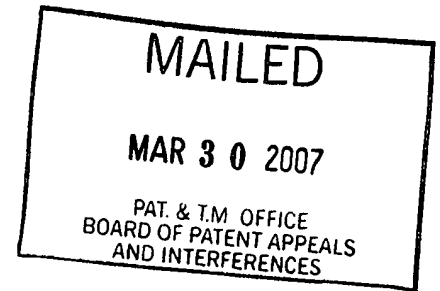


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte AL J. MOONEY

Application 09/492,398



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on December 18, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

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Upon review of the Examiner's Answer mailed July 26, 2006, the answer is non-compliant with the New Rules set forth in 37 CFR § 41.37 effective September 13, 2004. A review of the answer reveals that the following headings need to be included in accordance with MPEP § 1207.02:

1) Status of Claims

2) Evidence Relied Upon

The Examiner's Answer filed on July 26, 2006, does not comply with the new rules under 37 CFR § 41.37. It is required that a new Examiner's Answer be provided in compliance with the new rules.

Also, on May 8, 2006, appellants filed an Appeal Brief. Although, the Appeal Brief authorized payment of any fees which may be required to Deposit Account 18-1167, the Appeal Brief fee has not been charged.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- 1) to vacate the Examiner's Answer mailed July 26, 2006, and submit a revised Examiner's Answer in accordance with the new rules effective September 13, 2004;

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- 2) for charging the Appeal Brief fee to Deposit Account 18-1167; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



PATRICK J. NOLAN
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PJN/pgc

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